

ORIGINAL

OPEN MEETING AGENDA ITEM



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Court S. Rich AZ Bar No. 021290
M. Ryan Hurley AZ Bar No. 024620
Rose Law Group pc
6613 N. Scottsdale Road, Suite 200
Scottsdale, Arizona 85250
Direct: (480) 505-3937
Fax: (480) 505-3925
Attorneys for Applicant SolarCity Corporation

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2010 JUN 28 P 3: 24

AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

KRISTIN K. MAYES
CHAIRMAN

SANDRA D. KENNEDY
COMMISSIONER

PAUL NEWMAN
COMMISSIONER

GARY PIERCE
COMMISSIONER

BOB STUMP
COMMISSIONER

IN THE MATTER OF THE) DOCKET NO. E-20690A-09-0346
APPLICATION OF SOLARCITY)
FOR A DETERMINATION THAT) SOLARCITY'S NOTICE OF FILING
WHEN IT PROVIDES SOLAR)
SERVICE TO ARIZONA SCHOOLS,)
GOVERNMENTS, AND NON-)
PROFIT ENTITIES IT IS NOT)
ACTING AS A PUBLIC SERVICE)
CORPORATION PURSUANT TO)
ART. 15, SECTION 2 OF THE)
ARIZONA CONSTITUTION)

SolarCity Corporation ("SolarCity"), by and through its undersigned counsel, and in response to the Amendments that Chairman Mayes and Commissioner Pierce have recently proposed, hereby files the attached correspondence dated June 28, 2010.

Respectfully submitted this 28th day of June, 2010.

Court S. Rich

M. Ryan Hurley
Rose Law Group pc
Attorneys for Applicant SolarCity Corp.

Arizona Corporation Commission

DOCKETED

JUN 28 2010

DOCKETED BY

Original and 13 copies filed on
this 28th day of June 2010 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

I hereby certify that I have this day served the foregoing documents on all parties of record in
this proceeding by sending a copy via electronic mail to:

Mr. Bradley S. Carroll
Snell & Wilmer L.L.P.
One Arizona Center
400 E. Van Buren
Phoenix, Arizona 85004-
2202
bcarroll@swlaw.com

Mr. Michael W. Patten, Esq.
Roshka DeWulf & Patten,
PLC
400 E. Van Buren St.; Ste
800
Phoenix, Arizona 85004
mpatten@rdp-law.com

Mr. Steve Wene
Mayes Sellers & Sims Ltd.
1850 N. Central Ave; Ste
1100
Phoenix, Arizona 85004
Swene@lawms.com

Mr. Kenneth C. Sundlof, Jr.
Jennings, Strouss & Salmon,
P.L.C.
201 East Washington Street,
11th Floor
Phoenix, Arizona 85004-
2385

Sundlof@jsslw.com
Mr. Lawrence V. Robertson,
Jr.
Attorney at Law
Post Office Box 1448
Tubac, Arizona 85646
tubaclawyer@aol.com

Ms. Kelly J. Barr
Salt River Project
Post Office Box 52025
Phoenix, Arizona 85072-
2025
Kelly.barr@srpnet.com
Mr. Timothy M. Hogan
Arizona Center for Law in
the Public Interest
202 E. McDowell Rd; Ste
153
Phoenix, Arizona 85004
thogan@aclpi.org
Ms. Deborah R. Scott
Pinnacle West Capital
Corporation
400 N. Fifth St.;, MS 8695
Phoenix, Arizona 85004
Deb.scott@pinnaclewest.com
Mr. David Berry
Western Resource Advocates
Post Office Box 1064
Scottsdale, Arizona 85252-
1064
azbluhill@aol.com
Mr. Daniel W. Pozefsky
1110 W. Washington St; Ste
220
Phoenix, Arizona 85007
dpozefsky@azruco.com

Mr. C. Webb Crockett
Mr. Patrick J. Black
Fennemore Craig, P.C.
3003 N. Central Ave; Ste
2600
Phoenix, Arizona 85012-
2913
wcrocket@fclaw.com
Mr. Michael A. Curtis
Curtis, Goodwin, Sullivan,
Udall & Schwab, PLC
501 E. Thomas Rd.
Phoenix, Arizona 85012-
3205
Mcurtis401@aol.com
Mr. Kenneth R. Saline
K. R. Saline & Associates,
PLC
160 N. Pasadena; Ste 101
Mesa, Arizona 85201-6764
krs@krsaline.com
Mr. Philip J. Dion, Jr., Esq.
Tucson Electric Power Co.
One S. Church St; Ste 200
Tucson, Arizona 85702
Philip.dion@azbar.org
Mr. Jeffrey T. Murray
Moyes Sellers & Sims
1850 N. Central Ave.; Ste
1100
Phoenix, Arizona 85004
jtmurray@lawms.com

1 Mr. Steven M. Olea
2 Utilities Division Arizona
3 Corporation Commission
4 1200 W. Washington St.
5 Phoenix, Arizona 85007
6 solea@azcc.gov

Ms. Janice M. Alward
Legal Division Arizona
Corporation Commission
1200 W. Washington St.
Phoenix, Arizona 85007
jalward@azcc.gov

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Michael Johnson



COURT S. RICH
6613 N. Scottsdale Road, Suite 200
Scottsdale, Arizona 85250
Phone 480.505.3937 Fax 480.505.3925
CRich@RoseLawGroup.com
www.RoseLawGroup.com

June 28, 2010

FILED IN DOCKET

Chairman Kristin Mayes;
Commissioners Pierce, Stump, Kennedy and Newman;
Parties to the Docket
Arizona Corporation Commission
1200 W. Washington St., 2nd floor
Phoenix, Arizona 85007

Re: SolarCity Adjudication No. E-20690A-09-0346

Honorable Chair Mayes, Commissioners, and Parties to the Docket;

Please accept this letter as Applicant, SolarCity Corporation's ("SolarCity"), response to Chair Mayes and Commissioner Pierce's proposed Amendments to the Recommended Opinion and Order (the "ROO") filed in the above referenced docket. SolarCity is appreciative of the time and energy that both the Chair and Commissioner put into their comprehensive Amendments. It should come as no surprise that SolarCity supports both proposals and agrees with the result of each proposed Amendment.

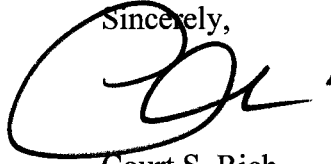
SolarCity believes that each proposed Amendment represents an acceptable and legally sufficient and defensible resolution of this matter. In light of Commissioner Pierce's solicitation of input on his proposed Amendment SolarCity has identified one important correction that should be made if the Pierce Amendment is to be adopted. SolarCity offers this correction in the spirit of making sure the record of this hearing fully supports the conclusions and statements made in the Decision.

On page 2, the Pierce Amendment suggests the insertion of a paragraph including language indicating that the "parties generally agree...that SolarCity would be acting as a public service corporation if it used a PPA to [finance its solar installations.]" SolarCity does not agree with this statement and the record of this proceeding indicates that this is not accurate. SolarCity believes that it is clear based on the Serv-Yu/public purpose analysis included in both the Mayes and Pierce Amendments that use of a PPA or an SSA would not subject the provider to regulation. In an effort to make sure the record of this hearing fully supports the Decision in this matter, the entirety of this paragraph should be stricken to accurately reflect that the parties do not agree on this point.

June 28, 2010
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SolarCity thanks the Commissioners for their time and for the opportunity to review and offer its limited comment on these pre-filed Amendments.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Rich', with a large, loopy initial 'C'.

Court S. Rich